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LIFE AND TIMES
OF
SIR JOHN BANKES,

ATTORNEY-GENERAL

AND

LORD CHIEF-JUSTICE OF THE COMMON PLEAS

IN THE

REIGN OF KING CHARLES I.

BORN AT KESWICK, A.D. 1589; DIED AT OXFORD, A.D. 1644.

A PAPER READ TO

THE KESWICK LITERARY SOCIETY.

MARCH 4th, 1872.

BY J. FISHER CROSTHWAITE.

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1873.



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*To the President and Members of the Keswick
Literary Society.*

I THINK that I ought to offer to you the reasons which have induced me to print the annexed pages. I had promised myself the pleasure of following up this Paper with a similar one during the Session which has just closed, on the House of Derwentwater, but was prevented by other calls upon my leisure time. It may seem to some that so crude a performance, having little claim to originality, was hardly worth offering to you in this form. But, if the facts which I have strung together, be as interesting to you, as they have been to myself, you will kindly excuse all defects. The fewer the records of so interesting a Parish, as the ancient Parish of Crosthwaite, the more care should be bestowed upon the collecting and preserving of them.

I have not the temerity to offer this to the public, having a wholesome dread of adverse criticism, which I am sure I shall escape by offering it to you, and for private circulation amongst friends.

I am, yours most respectfully,

J. F. C.

Keswick, April 28th, 1873.



GENTLEMEN,

It was my intention to follow up my former paper with a similar one, embracing as well as I could all the topics of interest connected with the ancient parish in one continuous stream, taking in events of different kinds which happened about the same time, and bringing the subject down to the close of the last century.

Many difficulties, however, have prevented me from taking that course, the principal of which was want of sufficient leisure to gather materials and arrange them for the purpose.

I have, therefore, thought it best to redeem my promise by taking up separate rills as they occur to me; still keeping mainly in view the illustration of the past history of the parish.

My last paper ended with a notice of Sir John Radcliffe, of Derwent Isle, who was buried in the Parish Church, A.D. 1527. I had intended to have taken up the records of the Derwentwater family to the close of its connection with this neighbourhood, and that would have better carried out my wishes than the plan I am going to pursue. The want of certain documents precluded me from doing this, and I have, therefore, come to the conclusion to make a skip for the present from 1527 to 1589, and give the best sketch I can of the life of Sir John Bankes, who was born in that year, and was a native of Keswick. His name is familiar to all, as the founder of a charity which is still remaining, and its history will be a topic of some interest to many.

Sir John Bankes was descended from one of the good old yeoman families, which still hold their own from very remote times. His father is described in the Landed Gentry of England as a Merchant of Keswick, and that he married Elizabeth Hassel. That he was a man in good circumstances is shown by the house which he built in Keswick in 1602. It does not appear an imposing building now. It comprised the present

Mail Coach Office and adjoining shop belonging to Mrs. Jackson. Tradition says that the house was at first three stories high. At that time the present Town Hall was not built, and the house being subject to storms from the South-West, suffered so much from being unroofed, that it was taken down a story and has remained so ever since. Mr. Jonathan Otley believed this to be correct, from the fact, that the flooring boards of the present attics are of the finest oak.

Two years after the erection of this house, namely, in 1604, John Bankes at the early age of fifteen years, having received a grammar-school education in his own county (probably in his own parish), removed to Queen's College, Oxford, and there he passed some time pursuing his studies. Being eager to enter upon a profession, he left Oxford without taking a degree; and taking chambers in Gray's Inn he applied himself to law, in which he became quickly eminent. His extraordinary diligence in his profession recommended him early to King Charles I. by whom he was made attorney to the Prince. He was next year (1630) Lent-reader at Gray's Inn, and in 1631 treasurer of that society.

In August, 1634, he was Knighted and made Attorney-General, in the place of Mr. Noy, deceased.

He discharged this arduous employment in those perilous times with great reputation till Hilary Term 1640, he was made Chief-Justice of the Common Pleas, in the room of Sir Edward Littleton, made Lord Keeper. In this high station he acted with universal approbation, remaining in London after the King was compelled to leave it, in order to discharge the duties of his office; but when he understood that his continuance among them was looked upon by some as owning the cause of the Parliamentarians, he retired to York.

So just an idea the King had of this act of loyalty, that when he thought of removing the Lord Keeper, he at the same time was inclined to deliver the Great Seal to the Lord Chief-Justice Bankes, whose integrity was generally confessed, but was by some suspected (though wrongfully, as it afterwards appeared) in point of courage. He subscribed the declaration made June 15th, 1642, by the Lords and Gentlemen then with his Majesty

at York ; and yet his conduct was so far from aspersion, that even the Parliament in their proposals to the King in January, 1643, desired that he might be continued in his office. The year before this the University of Oxford, to manifest their high respect for him, created him Doctor of Laws. The King caused him to be sworn of his Privy Council, and always testified great regard for his advice. In the Summer Circuit of 1643, he lost all his credit at Westminster, for having declared from the bench at Salisbury that the actions of the Earl of Essex, Lord Manchester and Waller were treasonable. The Commons voted him and the rest of the judges in that sentiment traitors.

In the meantime, Lady Bankes with her family being at Sir John's seat, Corfe Castle, in the Isle of Purbeck, in Dorsetshire, the friends of the Parliament who had already reduced all the sea-coasts but that place, resolved to reduce it likewise. The courageous Lady Bankes, though she had about her only her children, a few servants and tenants, and little hopes of relief, yet refused to surrender the fortress, upon which the Parliamentary forces under Sir Walter Erle and Thomas Trenchard, Esq., who commanded the Parliament forces, had recourse to very rough measures. Three times they attempted the place by surprise and were as often repulsed with loss, though the first time Lady Bankes had but five men in the place, and during the whole time her garrison never exceeded forty during this first siege. They interdicted her the markets, and at length formally besieged the house with a very considerable force, a train of artillery, and a great quantity of ammunition. This forced the little town dependent on the Castle to surrender, which inclined the besiegers to think their business done ; but Lady Bankes taking advantage of their remissness procured a supply of provisions and ammunition, which enabled her still to hold out.

At last the Earl of Carnarvon, having with a considerable body of horse and dragoons cleared a great part of the west, came into the neighbourhood of Purbeck, whereupon Sir Walter Erle raised his siege, August 4th, 1643, so hastily that he left his tents standing, together with his ammunition and artillery, all of which fell into the hands of Lady Bankes's household. During this time Sir John continued in the discharge of his duty as a Privy Councillor at Oxford till the last day of his life.

It may appear a matter of surprise that a private gentleman should have made purchase of a palace for his residence ; also that the profession of the law should have enabled a practitioner however able and diligent, at a comparatively early period of life, to possess himself not only of this large mansion and domain, but to an extent of lands purchased in addition in other parts of the same county adequate for maintaining it. The smaller numbers engaged at that period, as compared with the present very ample supply of barristers, will account for the more rapid growth of such fortunes in the earlier times.

Corfe Castle has a history of its own, dating back to the reign of King Alfred. The castle was the property of the crown, and was granted from time to time to distinguished men, but as often reverted back till the days of Queen Elizabeth, when it was granted in as full and ample a manner as the law could devise, to her courtly favourite, Sir Christopher Hatton. He repaired and decorated the castle at great expense, suitable to the high station which he afterwards filled as Lord High Chancellor, having been raised to that office in the year 1587. Sir Christopher was unmarried. At his death this castle passed to his nephew, Sir William Hatton, who was the son of a sister of Sir Christopher. His wife was a daughter of the Earl of Exeter, and became by a second marriage a second wife of the Lord Chief-Justice Coke. It was from this family that Chief-Justice Banks purchased it.

The new Attorney-General had not attained his elevated position as a flatterer of the favourite of the day, nor by any of those unseemly intrigues or courtly struggles, which are so little creditable to the memories of Bacon and of Coke.

At a distance from the cares and cabals which then surrounded the throne, he hoped in this retirement to find a happy relaxation from the toils of public life. But man proposes, and in vain. The station which he had so honourably attained, without envy or hatred from any quarter, became on a sudden a post surrounded by dangers, difficulties, and contentions of the bitterest and most anxious description ; while the peaceful dwelling which he had earned with years of toil, and purchased for his

children's home, expecting there in his leisure hours to witness the pleasures "of their childhood flitting by," became the scene of battle, siege, and death, involved in perils more severe and ruinous than those walls had ever before encountered, either in the days of pagan rapine, or of feudal discord.

In the year 1636 the great question on the writ for the levy of ship money came on for argument before the twelve Judges. Noy, the late Attorney-General, had with Finch, the Lord Keeper, devised this scheme of exaction. It was founded on precedent, so far as the maritime portions of the kingdom were affected, but it was a novelty unsupported by pretence of right, when applied to the County of Buckingham. The arguments occupied many days, and the Exchequer chamber took a considerable time for deliberation. The arguments on the part of the Crown were urged with learning and ability, and no obloquy was in any degree thrown on those, who as advocates, discharged their duty to the Crown. Sir John Bankes spoke for two days, but it is probable from what we shall see of his character and sentiments, that it would have been more agreeable to his private feelings and opinions, if the result had been adverse to his advocacy. The decree was with the Attorney and Solicitor-General, though only carried by a majority of 7 to 5 of those who gave judgement.

At this time Wentworth, the Lord-Deputy of Ireland, was beginning to feel the effects of the animosities which he had rashly and wrongfully provoked in many powerful quarters. He had, therefore, frequent occasion for communicating with Attorney-General Bankes, and he learnt to place great reliance on his legal advice, as well as on his private friendship. Lord Wentworth had leave to go to England to make arrangements for his private affairs in Yorkshire. He attended before a council at Hampton Court, where the King then was residing, and gave a full account of his Government in Ireland, all which being accepted in a gracious manner, he ventured to renew an application, first made two years before, for an Earl's patent before his return to his Government, but he had the mortification to be again denied. He grounded his claim on the expediency of evincing to his enemies, that he continued to possess the confidence and approbation of the King. The King wrote him a letter evincing his favour and con-

fidence concluding with these words,—“I will end with a rule that may serve for a statesman, a courtier or a lover—never make a defence or apology before you be accused, and so I rest your assured friend.” It was at this time that Strafford’s correspondence with Sir John Bankes commenced, and in all the troubles which afterwards befel him he found in him a judicious adviser, and a true friend. The letters are numerous, extending over several years, and bear the impress of his great talents. Two years later the coveted Earldom came, but it only proved other words in the King’s letter of refusal,—“Envy flies most at the fairest mark.” From this time his enemies became more and more violent, and eventually the Earl of Strafford was committed to the Tower, and after an imprisonment of six months, he fell a victim to the violence of the times.

In the preliminary proceedings of this remarkable trial, the Lord Keeper being unwell, and not being able to come to the House, a commission was granted to Sir John Bankes, Chief-Justice of the Common Pleas, under the Great Seal, to supply the place as Speaker; and he occupied the woolsack when his honoured friend was thus introduced as a criminal at the Bar.

Any one who has read Stafford’s defence, will excuse me for introducing his name at this length, in connection with my subject. Nothing uninspired was ever more eloquent, or more touching, than the peroration of his speech.

Lord Campbell in his amusing book, the lives of the Lord Chancellors, has been betrayed into inaccuracy with regard to this period of history, giving as a reason for the appointment of Littleton to the Great Seal, that the King found it impossible to appoint either the Attorney or Solicitor-General, as the promotion of either of those Law Officers would have been a direct insult to the House of Commons. The Parliament knew the Attorney-General to be unflinching in his loyalty to the King, but they were aware also that this loyal feeling involved no subservency of character, nor any sacrifice of constitutional principle, and it was through him rather than through any other of the King’s advisers that they hoped and endeavoured to make an accommodation between the Par-

liament and the Crown. Letters to Sir John Bankes from the Earl of Northumberland, Denzill Holles, the Earl of Essex, Lord Say and Sele, and others, who stood highest among the leaders of the Parliamentary party, in the best days of its power, show in what estimation his character and qualities were held as fitting him for a station of trust and power. The conduct of the Lord Keeper Littleton who continued in London acting basely if not with treachery, so incensed the King that he sent an order to Lord Falkland and to Hyde to require the Great Seal from him. He also wished them to consider "whether he should give it to the Lord Chief-Justice Bankes, or to Mr. Selden ; and to send their opinions to him." The Great Seal was delivered up by Littleton with great reluctance, and the messenger brought it to the King at York. The answer sent by Lord Falkland and Hyde to the King was, that "they thought the Lord Chief-Justice not equal to that charge in a time of so much disorder, though otherwise he was a man of great abilities and unblemished integrity ; they did not doubt Mr. Selden's affection for the King, but he was in years, and had for many years enjoyed ease which he loved ; was rich, and would not have made a journey to York, or lain out of his bed, for any preferment whatsoever." Selden was a wise man, for he enjoyed his retirement and kept his head on his shoulders for fifteen years longer. It was evident to all that Littleton was waiting in London to see which side would prove the strongest. But when the Great Seal was gone the Lord Keeper was obliged to follow it, for had he remained he would certainly have been impeached. Hyde accompanied him to York, and did all he could to persuade the King that Littleton had solemnly promised to come to York—and so he had, but Falkland did not believe in him ; and the King, the Earl of Strafford, and the Bishops, and all had been in their turns the victims of Littleton's weakness and duplicity. As to the Lord Chief-Justice of the Common Pleas, since there was no one then at York who could supply the place he was occupying, the King's service would have received no advantage from his elevation to another office, for no preferment could have increased his assiduity, loyalty, and zeal.

Sir John Bankes used his pen with Parliamentary men, urging the necessity of an accommodation before the civil war broke out. The follow-

ing extract from a letter written to Mr. Green, M.P., for Corfe Castle, will illustrate this :—

“ The King is extremely offended with me touching the Militia ; saith that I should have performed ~~my~~ part of an honest man in protesting against the illegality of the ordinance ; commands me, upon my allegiance, yet to do it. I HAVE GIVEN HIM MY OPINION ON IT. I have told him it is not safe for me to deliver any opinion in things which are voted in the Houses. You know how cautious I have been in this particular. I have studied all means which way matters may be brought to a good conclusion between the King and the Houses, all high ways and ways of force will be destructive ; and if we should have civil wars, it would make us a miserable people, and might introduce foreign powers ; therefore, there is no way left but the way of accommodation, that the Houses would set down their desires that they would fix upon, and what they will do for the King in his revenue ; and the King to express what he desires to be done for him ; and these things being in treaty may be a good motive for the King to return with more honour to his Parliament, where all things may be enacted without distrust on either side, &c., &c. Send down propositions whilst I am here, it cannot be expected that they can be here determined, but they may be put in a way.

“ I have here dealt clearly and plainly with you, and I doubt not but you will make good use of it, the King is pleased still to have me, but how he will harken unto me I leave that to God ; for the heart of the King is in the hands of the Lord, whom I beseech to direct us all, and so with my hearty affection to yourself.

“ I rest, your assured faithful friend to serve you,

“ Jo. B.

“ York, 21 May, 1642, at night.”

At last the event came which the Chief-Justice Bankes so much deprecated. The Civil War commenced. On the 22nd of August, 1642, the King himself with a small train, rode to the top of the Castle Hill. Varney, the Knight Marshal, who was standard bearer, erected the standard with little other ceremony than sound of drums and trumpets. There was not one regiment of foot yet there, so that the trained bands, which the Sheriff had drawn together were all the strength the King had for his person and the guard of the standard. Melancholy men observed many ill omens about that time. There was a storm. The standard was blown down the same night and could not be fixed again for a day or two till the tempest was over.

On the Parliamentary side the Earl of Essex was at the head of a considerable army before the King had a sufficient force to guard his person. Essex hoped by the display of numbers to reduce the King's party to

submission. To the astonishment of the parliamentarians the King was enabled on the 23rd of October to give battle to Essex at Keinton Edgehill, and the singular result of the conflict was that each party thought the other was the victor. Neither party was prepared next morning to renew the combat ; but each of them, finding that they had at first underrated the disaster of their adversary, now forgot their own losses, and sang *Te Deum* for a victory. Essex retired to Warwick ; Charles advanced to Banbury and received the surrender of the castle there—passed the night at his own house at Woodstock and on the next day came with his whole army to Oxford, this being the only city in England entirely devoted to him. Here he was received by the University, and entered amidst enthusiastic joy and acclamations within the walls of this famous city. Sir John Bankes came with the court to Oxford, and lived there in the house of his son-in-law Sir Robert Jenkinson, who had married Sir John's second daughter. These were the ancestors of the Earls of Liverpool, the first of whom was 19 years Prime Minister in the reign of George III.

The circumstances of the late campaign had not been unfavourable to the Royal cause. Charles was now in a city devoted to his service, where a splendid court was again assembling around him. Some might think that his condition was better than when he held his court at York, but there was this sad difference between the two periods—there had now been 5000 lives lost in the quarrel.

It was probably at this period that the grave and learned judge saw for the last time Lady Bankes and his numerous family at Corfe Castle. The Earl of Carnarvon at the head of 2000 horse and dragoons entered Dorsetshire, which affrighted Sir Walter Erle, who precipitately raised the siege of Corfe Castle, after having invested it for six weeks.

No doubt his youthful family would have many exploits to boast of, how they stood by their mother and threw stones and hot embers on the heads of the men mounting the scaling ladders.

A writer of the period says :—

“ The besiegers divided their forces into two parties, whereof one assaults the middle ward, defended by the valiant Captain Lawrence and the greater

part of the soldiers ; the other assaults the upper ward, which the Lady Bankes (to her eternal honour be it spoken), with her daughters, women, and five soldiers, undertook to make good against the rebels, and did bravely perform what she undertook ; for by heaving over stones and hot embers they repelled the rebels and kept them from climbing the ladders, thence to throw in that wildfire which every rebel had in his hand. Being repelled, and having in this siege and this assault lost and hurt 100 men, old Sir Watt, hearing that the King's forces were advanced, cried and ran away crying, leaving Sydenham to command in chief, to bring off the ordnance, ammunition, and the remainder of the army, who, afraid to appear abroad, kept sanctuary in Church till night, meaning to sup and run away by starlight.

After six weeks siege, this castle, the desire of the rebels, the tears of old Sir Watt, and the key of those parts, by the loyalty and brave resolution of this honourable lady, the valour of Captain Lawrence and some 80 soldiers (by the loss of only two men), was delivered from the bloody intentions of these merciless rebels on the 4th of August, 1643."

Lord Clarendon gives in fewer words a similar account of these gallant actions. He says :—

"Various causes combined to induce this furious assault upon the Castle of Sir John Bankes at this particular time. He was now upon the Summer Circuit, and when presiding at the assizes at Salisbury, he had in his charge to the grand jury denounced the Earl of Essex, Lord Manchester, and others, as guilty of high treason for continuing in arms against the King. Another serious subject of offence consisted in the fact of his having subscribed liberally to the necessities of the King, for which the Royal acknowledgement, warmly expressed, in the King's handwriting remains with the descendants of Sir John to this day. For this act, by virtue of an ordinance of Parliament, he forfeited all property, as well real as personal, and for his charge to the grand jury he was denounced as a traitor to the State."

Early in 1643 a publication had appeared called *The Moderator* which attracted much attention. A copy of this is found amongst Sir John Bankes' papers, which has a multitude of interlineations in his own handwriting as if in preparation for a second edition. Whether he was the author of this publication is not known, but the sentiments expressed seem to accord precisely with those which he entertained. I will quote a passage or two to show the character of the tract.

"Amongst the many complaints which posterity may justly take up against us, it shall never be said that we all did wilfully blind the eyes of our reason and would not see the evils which with unveiled face, showed themselves in their full horror, before they came upon us.

"We have arrived almost at the extremities of ill ; and yet some believe there is a way to grow better, by growing worse ; I pray Heaven this paradox may not undo us.

"A set battle hath been fought, with almost equal loss and success, as if Heaven had told us we are both in fault ; both worthy of overthrow but neither of us of victory.

"The true character of a moderate man I conceive to be this. He is one that could never be so well satisfied of the necessity why this war began as he is now why it should see an end, and who knows not how to pray for a victory ; one that in earnest loves the King, and thinks him essential to the well-being of a Parliament, one that honours, not adores the Parliament because he sees that they also are but men, and rather wishes them what they should be than omnipotent. One who would have his religion not gaudy, nor stripped stark naked. One that would have peace, not as an effect of war but of accommodation."

The Lord Chief-Justice Bankes was now in constant attendance on the King at Oxford, except when his Judicial duties caused him to be out on circuit. Whitelock, an M.P., and one of the Parliamentary Messengers gives us an insight into the mode in which the King conducted the affairs with deputations from the Houses of Parliament. He says—

"The King had commonly waiting upon him when he treated with us, Prince Rupert, the Lord Keeper Littleton, the Earl of Southampton, the Lord Chief-Justice Bankes, and several Lords of the Council who never debated any matters with us but gave their opinions to the King in those things which he demanded of them, and sometimes would put him in mind of some particular things ; but otherwise they did not speak at all. In this treaty the King manifested his great parts and abilities, strength of reason and quickness of apprehension, with much patience in hearing what was objected against him ; wherein he allowed all freedom, and would himself sum up the arguments, and give a most clear judgment upon them."

And thus was Sir John Bankes engaged during the short time he lived in Oxford. While Lady Bankes continued bravely to defend Corfe Castle, early in the winter the misfortune which perhaps she least expected befel her. On the 28th December, 1644, her husband died at Oxford. His illness must have been a short one. Whether Lady Bankes had any notice of it is not known, few of her papers having escaped the plunder of the Castle. Sir John died in the house of his son-in-law, Sir Robert Jenkinson, his two eldest daughters attending upon him. Gloomy were the subjects of contemplation which surrounded him at the hour of his death. His wife and children were declared malignants, and all property forfeited, this being the price of his loyalty to the King ; and the issue of this miserable contest in which his sense of duty had involved him, was now accomplished to this extent, that the King was deprived of every regal

power, and there remained to the Parliament nothing but the name. He had now lived to see every one of the fears which he entertained realized almost to their fullest extent.

He had not indeed the misfortune to live to see the great National Hall of Justice fitted-up for the arraignment of the King, nor the rude scaffold erected in front of the palace, nor the deed which was then done ; but the week before he died the House of Commons passed the self-denying ordinance, which effectually destroyed the power of the moderate party, and also excluded the Presbyterian members at once from all posts of influence in the army.

Thus, at the comparatively early age of 55 years, Sir John Bankes died. He left a large family of children. He was buried at Christ Church Chapel, Oxford, with great ceremony. They put a tablet up to his memory with a Latin inscription.

His own wish (which I think shows the man) was, to have only the words—"Not unto us, O Lord, not unto us, but to Thy name be Glory."

May we not hope that he looked beyond the things of time, and left his family with confidence in the hands of Him to whom he ascribed anything which he had been able to achieve.

Sir John Bankes made his will on the 3rd of October, 1642, a little more than two years before he died. In it he says—

"I give unto my loving friends Sir George Dalston, Knight, Sir Wm. ———, Bart., John Bankes my son and heir apparent, Richard Toulson and Christopher Blencow, Esq., Henry Toulson and ——— Toulson his eldest son, Ralph Bankes my second son, Joseph Hecksteter, Francis Hecksteter, Richard Tickell and his eldest son, Roger Gregg, and Roger Gregg his eldest son, and their heirs, all those two tenements with the close orchard and ground which I lately purchased of George Brown and of the Heir of John Fearon. I will that the said tenements be pulled down and that of the materials thereof, of the materials which are provided and hereafter shall be provided, a Workhouse shall be built to be kept and maintained for ever, for the setting of poor persons on work. I devise unto the parties above named the sum of Two Hundred Pounds to be employed for the building of the said Workhouse, and that which remains to be kept in their hands as part of a Stock. Also I give unto the said parties and their heirs Thirty Pounds per annum, the same to be received and employed for the first three years after my decease towards the increase of the said Stock without diminution, and after the said three years expired, I will that the said Stock of money as well as the said yearly sum of Thirty Pounds shall be duly and truly employed in the raising and

containing a convenient Stock of Wool, Flax, Hemp, Thread, Yarn, Iron and other necessary wear and stuff to set the poor on work who were born in the Parish of Crosthwaite, and I will that the said parties trusted shall set to work the children of all such whose parents shall not be able to keep and maintain them, and the children of the *Fatherless* and poor aged men and women, and widows who are able to work in any reasonable manner, and also for setting on work all other persons born within the said Parish, having no means to maintain them. I will that the profits arising from the said Stock and Thirty Pounds per annum, shall be yearly employed for and towards the necessary relief of the lame, impotent old men and women, blind, and such others of the said Parish being poor and not able to work, and also for the putting out of poor people to be apprentices, and the *Fatherless and Widows* to be ever preferred before any other. I will that Five Marks shall be yearly laid up in a chest, to be kept under three keys, which may serve to maintain the said Workhouse in repair, and for other extraordinary occasions. And I do allow Twenty Shillings yearly unto such of the said parties trusted as will in charity take care of this business, and be present at the taking of the accounts. I consider the weekly wages to the workers to be moderate, because they are continued in the work, and there will remain the more to perform the charitable uses. Cloth and Linnen arising by this manufacture may be given unto the poor people, and the rest may be sold to the poorer sort at reasonable rates, to raise monies for the uses aforesaid. *I will that the said yearly rent of Thirty Pounds shall be issuing out of all my Freehold lands, Tenements, and Hereditaments within the said Parish of Crosthwaite* (except my Dwelling-house built by my Father with the Outhouse, Garden, Orchard, and other appurtenances thereunto belonging, situate in Keswick aforesaid), and if the said yearly rent shall be behind and unpaid by the space of twenty days next after the feasts of All Saints and Philip and James, which are the feasts on which I do appoint the said yearly rent of Thirty Pounds to be paid by equal portions every year respectively, then it shall be lawful for the said Sir George Dalston and other of the said parties trusted, and their heirs and assignees and the survivor of them to enter into the said lands and tenements charged as aforesaid, and to distrain for the said rent and the arrears as often as the same shall be behind, and to detain the said distresses inpound until they or some of them shall be satisfied the said rent and arrears. I will that when the said three survivors do assign over the said rent and Stock unto him who at that time shall be the Heir of Sir George Dalston's House, and unto him who shall be the Heir of Richard Tolson's house, and unto him who shall be the heir of Christopher Blencowe's house, and unto him who at that time shall be the Heir of Richard Tickell's house, and unto him who shall be at that time the Heir of Joseph Hecksteter's house, and unto him who at that time shall be the Heir of Roger Gregg's house, and unto *Six other substantial of the said parish of Crosthwaite*, and to their Heirs unto the uses, intents, and purposes aforesaid; and so to be done successively hereafter when there shall be only *three remaining persons trusted alive*. I will that an authentic copy of this part of my will under seal which concerns this charitable use be sent unto the said persons trusted, and to remain in the said chest, and they to have copies of it for their better direction. I wish that the said parties trusted would advise with the eighteen sworn men of the said Parish of Crosthwaite, for the time being, for the better disposition of this charitable use; and I would have the *Widows and Fatherless and Poor of Keswick be preferred before the poor of the said parish*, and I leave unto the discretion of the said persons trusted to make a reasonable allowance unto any man whom they shall appoint to oversee the said work."

It is curious that at the inquisition held before Mr. Skirrow a short time ago, I was the only person who could produce a copy of the will so

far as relates to the Charity. Oddly enough Mr. Jonathan Otley had in 1838 copied one in the possession of Mr. Daniel Crosthwaite of the Museum, and my copy was taken from Mr. Otley's in 1853. Not one of the Trustees possessed a copy, and there were many points on which they were uninformed, especially the one which gives the preference to the poor of Keswick over the rest of the parish.

The will is remarkable for the extensive charity intended. Surely, Sir John Bankes must have had Sir Thomas More's Utopia in his mind, and hoped to make his native valley the happiest, as it is confessedly the most beautiful in Britain. The time for commencing this Workhouse was especially unfortunate. The country was disturbed and torn by faction, and little could be expected for a work begun under such unfavourable circumstances.

So early as July 4th, 1672 (only 28 years after the testator's death), by a decree of Commissioners of Charitable uses reciting an inquisition held at Keswick of the same date, it was found that the Trustees had not been diligent in their trust, by reason whereof the charitable uses had not been performed ; it was ordered and decreed that the surviving Trustees should convey the several premises devised by the testator, and the stock and property belonging thereto to the use of themselves, and other trustees therein named, of whom the Vicar of Crosthwaite, for the time being, was to be one for the trusts of the said will ; and it was further ordered that when the Trustees should be reduced to three, the survivors should convey the said premises to the Vicar of Crosthwaite, the heirs of Sir William Dalston, Sir Ralph Bankes, Richard Tolson, Christopher Blencowe, and Thomas Tickell, and to so many more of the parishoners of Crosthwaite and their heirs as should make up the number of Six parishoners of Crosthwaite ; and the Eighteen sworn men of Crosthwaite, with the Churchwardens and Overseers, to be aiding and assisting the trustees, churchwardens and overseers to act as they should be directed by the trustees ; and that a chest should be obtained and books procured for keeping accounts in the manner mentioned ; and that the trustees should take order for the setting up and promoting of a trade when they should have opportunity, and for the binding and preferring of poor.

children to be apprentices, repairing of the house, distribution to the poor or lame persons, or other things mentioned in the said will ; and that until they should have such an opportunity to set up a manufactory, some of the rooms should be disposed of to poor widows, and that some competency should be allowed them, and the rest of the income (after paying collector and for repairs) should be yearly bestowed upon woollen and linen cloth, and made fit for wearing ; and some stockings and shoes distributed yearly at the feast of All Saints. After further reciting, that although the yearly rent charge of £30 was extinct, it was ordered and decreed that the said rent charge should revive, and that who did or should possess the said lands charged with the payment of the same, should yearly pay the same according to the said will and this decree, with power for the said trustees to enter and distrain for the same. From the same Charity Commissioners Report, the property in possession of the trustees consisted of land and money ; an estate at How and Coldale, containing 124 acres and 35 perches. A field near Crosthwaite Church about 4 acres ; 2 cattle grasses in White Moss, and an acre of land called Cow Pasture ; and an estate called Birkett Wood, in Crosthwaite parish, containing 29 acres ; between 3 and 4 acres of Woodland at Birkett Wood ; the sum of £500 which was out at interest at $4\frac{1}{2}$ per cent., and the Workhouse premises mentioned in Sir John Bankes' will.

Gradually the intentions of the doner were lost sight of altogether. There existed what was designated in a Terrier in Crosthwaite Church, a workhouse or poor-house in 1777. It was in fact a workhouse where no remunerative work was performed, and it became the poor-house for the Parish. Thus, the Charitable uses became *null* so far as the intentions of Sir John Bankes were concerned.

He actually became by this Charity the great rate payer of the parish, and eased the rates to the extent of the rental of the property. The different divisions of the parish sent in their paupers at about 5s. a-head per month, and so comfortable did the paupers feel in the "great house" as it was called, that whole families settled down in it in preference to working for their own living outside. There were sometimes upwards of 80 inmates.

The new Poor-Law entirely swept away this state of things, and very nearly swept away the "great house" at the same time.

Dr. Southey, however, interfered, and his influence with the Charity Commissioners caused the foundation to be retained for the comfortable support of eighteen poor and aged persons. This went on until another inquiry took place into all the Charities in the parish of Crosthwaite. The Rev. Canon Gipps was principally instrumental in bringing down the Commissioner. To the credit of the parishioners be it spoken there was no default found on the part of any of the trustees, of no less than fifteen Charities. But about 150 or 200 years ago by an error, the trustees for a sum of £200 given by Mr. Allison to the Independent Chapel had put the money upon mortgage, and the heir-at-law of the testator took advantage of the statute of Mortmain. He sued for the money, and thus robbed the chapel of what his predecessor had left to it. But there was no instance of a trust having been tampered with, or defrauded *by the trustees*. There was a particular point mooted respecting the Free School, but the eighteen sworn men (so much in esteem in former days) proved that their trust had never been abused. It was wished that girls should be excluded, but rather than submit to the dictation of the Charity Commissioners on this point, the trustees agreed to build a separate room for the girls,—a thing thought by many wholly unnecessary and undesirable.

Sir John Bankes' charity underwent a complete change. The "great house" and ground behind was ordered to be sold. A variety of charitable uses were added to those mentioned by Sir John Bankes. Amongst others £50 a-year to be given for educational purposes, a thing never contemplated by the testator.

The number of persons receiving substantial relief were reduced from 18 to 10. The relief now given, raises the recipients a trifle above the pauper, but does not relieve their friends of their burden, for no person in these times can live upon five shillings a-week in comfort.

The principal argument for the change introduced into this charity was, the small amount of good it was doing for the amount expended. The number of inmates had not for many years come up to eighteen, and

I think there were only eleven in the house when the Commissioner held his inquiry. Many of the respectable poor declined the offer of the house ; they preferred their own humble cottage, with scant fare, to a common table with many, whose poverty was their fault, and not their misfortune. Suggestions were made as to the future of this charity. It was mentioned to the trustees that Alms-Houses built on the grounds in hand, and incomes given to deserving poor widows, and aged couples ; would fairly carry out the intention of Sir John Bankes. Some of the trustees were favourable to such a scheme, but they were informed that the Commissioners "set their faces" altogether against Alms-Houses.

And yet strange to say, in all parts of England well built and well endowed Alms-Houses are being erected. The Countess of Pembroke—(the last of the Cliffords,) has left a monument to her memory never to be effaced, in the Alms-Houses at Appleby and Skipton. And our own worthy townsman Mr. Robson contemplates founding a similar institution for Newcastle-on-Tyne, where he has long resided, with an ample maintenance for 20 of the aged poor of that place.

If ever any Commissioner comes to Keswick again, it might fairly be suggested whether Sir John Bankes' intentions may not even yet be carried out. The estates being realized, would make an institution, which, properly conducted would meet the need at present felt, and give work to hands who are now only half-employed. It may be objected that the thing is impracticable, but the contrary has been proved at Kendal ; a manufactory was conducted there to a profit for many years, in reduction of the poor rates. I do not say that the present arrangement for Sir John Bankes' charity is not better than that which preceded it. It is more economical, and does more good than it did before. The carefulness with which the charity is administered is beyond question. I only reflect on changes in the appropriation of the funds which appear to me to be at variance with the intentions of the testator. I refer to the large amount given to schools. Sir John Bankes ordered that the 18 trustees of the Crosthwaite Free School were to be "aiding and assisting" in this business. Such assistance was not sought at the recent re-organization.

The School trustees were themselves too intent in preserving their own trust inviolate, to give attention to this charity, probably they did not know that Sir John Bankes intended that they should do so. It cannot be doubted that this trust would receive additional aid if that body were represented—"aiding and assisting"—in the distribution of its funds. But I must leave this topic, much as might be said upon it, and return to the fortunes of the family of Sir John Bankes.

Lady Bankes still remained at her post defending Corfe Castle. It was the last which was surrendered, and even then it was only done by treachery. Lieut.-Colonel Pitman being weary of the King's service, let the Parliament know that if he could have a protection, he would deliver up the place, which offer was accepted, and a protection sent down from London. Under pretence of re-enforcing the garrison he got one hundred men into the Castle in disguise. The besieged made a gallant defence, but finding themselves out numbered and betrayed, a parley ensued. The truce was broken by two of the besiegers anxious for the spoil, coming over the wall by a ladder—being fired upon. However, Col.-Bingham, who was no hireling, admiring the courage of the Lady who was his foe, succeeded in saving 140 persons then within the Castle ; two of the garrison were killed, and one of the besiegers, in this final struggle which lasted 48 days.

Thus, after a struggle of nearly three years, this brave Lady was dispossessed of the fortress which she defended so long as a chance remained for the preservation of the Crown ; and then suddenly she and her children were sent forth to seek a home, and she found one among her faithful and humble neighbours. The work of plunder went on. The Castle was despoiled not only of its furniture but even the timber and stones were taken away for other buildings in the course of erection.

The Dorsetshire Committee of Sequestration say—

" Her husband's estate was sequestered by us during his lifetime for his delinquency, but since his decease she hath petitioned to enjoy the jointure settled on her before the delinquency of her husband ; but we, finding her active in the defence of Corfe Castle against the Parliament, have not granted her desire." &c., &c.

And so Lady Bankes was turned out of her home. Her elder daughter had married Sir John Borlace, M.P., and he with the Duke of Ormond as Lords Justices, undertook the Government of Ireland upon the death of the Earl of Stafford, for which service he received his Baronetcy. It was fortunate for the family that the forfeited estates had not been specifically granted to anyone of the five hundred and sixteen patriots who formed the Parliament of 1646. Large compositions were paid by Lady Bankes and her family. Sir Ralph Bankes her eldest son paid £1,974 as a forfeiture to the State. The husband of Lady Bankes' eldest daughter (Sir John Borlace) paid £3,500 and Lady Bankes herself when a widow paid for herself and seven younger children £1,400, in common with other noble families similarly circumstanced out of such exactions. Large sums were given to the Parliamentary chiefs for their services, *e.g.*, Sir Henry Vane, Sen., £5,000, Sir Henry Vane, Jun., his son, £6,000, Sir Walter Erle was given Sir John Haydon's place, worth £5,000 per annum. This Sir Walter was the besieger of Corfe Castle. Surely, a special providence kept this property out of his grasp. But the rapacity of these money-getting patriots was considerably curbed when Cromwell acceded to power. Equity and justice was in some measure restored. The widowed heroine was no longer persecuted for her bravery. The attachment which bound Cromwell to his daughters gave him a charitable disposition to all of their sex. Lady Bankes was now permitted to enjoy her jointure, and although claims were from time to time made in the legal tribunals, of which the records remain, she was not in any serious degree molested during the remaining period of the Commonwealth. She lived long enough to see the restoration of the monarchy, but died within a twelvemonth after the accomplishment of that event.

Lady Bankes, brave to the last, with true Christian piety and courage faced death as she had confronted danger, careful to communicate neither pain nor apprehension to any one she loved. She gave her relations so little expectation of her death, that her eldest son, then absent from her, being in Dorsetshire, was married on the morning of the day she died. She survived her husband seventeen years. She was of the ancient family of the Hautreys, of Rislip in the County of Middlesex. They

were of Norman descent having come into England at the time of the Conquest. A copy of the Epitaph on her Monument in Rislip Church will be found at the end of this paper.

Sir Ralph Bankes was married to the descendant and heiress of the family of the Brunes of Athelhampton in Dorset. He received the honour of Knighthood from the new King. This, and some addition to the crest upon his coat of arms were the only recognitions of the loyal services of his house. He was also permitted to recover the estates forfeited by his delinquent father if he could, and he was fortunate enough to succeed. Corfe Castle having been completely dismantled and plundered, Sir Ralph built a new house from a design of Inigo Jones. The house is still the family residence, and is called Kingston Hall.

While the new building was in course of erection he lived in a house called Chettle. It would appear that Sir Walter Erle had helped himself to building materials from Corfe Castle, when it was thought a proper thing to plunder it.

The following letter is from Sir Ralph Bankes to Sir Walter Erle, on that subject—

“SIR,—It may seem strange to you after such an intermission, that I should now demand of you that which belongs to me. I doubted not your own conscience and the justice of the thing would, before this, have invited you to make restitution or some recompense, which made me defer reminding you of it, because I was not willing to take from you the advantage of so good an action. But I incline to believe want of memory occasions this failure in you, and that it is rather the defect of your age than of your will. The timber and other materials for building you had from Corfe Castle (which you have since employed in your own new fabrick), you must needs acknowledge are mine, and what in law as well as justice ought to be restored to me. * * * *

“The Scripture which you profess (and we all ought) to make the rule of our actions cannot justify you in such proceedings, nor can you bring any text from them which allows you to build with my timber. Good actions carry their own reward.

“If you did well to be instrumental in destroying the castle, you should not have rewarded your good service out of the ruins of it. Many throughout England who made the like advantages of the times, and who thought that while they continued the illness of them would warrant their ill actions, have since this happy change showed you good example, and have thrown

from them that which, belonging to others, would have proved moth and a canker in their estates.

* * * * *

"I hope your conscience will be as just to you as theirs have been, and that you will be ruled by it; and by making me a just satisfaction, you will oblige me to be, Sir, your friend and servant, R. B.

"12th August, 1661. Chettle."

Sir Ralph Bankes was succeeded by his son John Bankes of Kingston Hall, in 1679; he was M.P., for Corfe Castle. He died in 1714. His son John succeeded him, and died 1772. He was succeeded by his brother Henry, of Kingston Hall, Barrister-at-Law, King's Counsel, and M.P., for the same Borough. He was succeeded by a son Henry Bankes, of Kingston Hall; he was M.P., for Corfe Castle for 46 years, viz., from 1780 till 1826, and then for the County of Dorset, till 1831, having sat in Parliament for 51 years. His sons were 1st. Henry, lost at sea; 2nd. William John, of Kingston Hall; 3rd. George, of Studland, in the Isle of Purbeck, Cursitor Baron, M.P., for the County of Dorset. He held office on two occasions under Sir Robert Peel and died in 1856. He published three years before his death a curious book entitled "The Story of Corfe Castle," which must have cost much pains and labour. I had a considerable correspondence with Mr. Harland, an antiquarian, who wanted any information he could get relative to the family, and he told me at the conclusion that it was for the Right Honourable George Bankes, M.P., he had made the enquiry. Edward George, of Studland Manor and Kingston Lacy, succeeded him, and died in 1860. He had two sons, the eldest succeeded him, and died without issue, in 1869. The younger, Walter Ralph Bankes, born 1853 succeeded his brother. He is Lord of the Manors of Studland, Wimborne, and Shapwick. He is a minor, being in the 20th year of his age.

I was in Ulverstone this day week, and had my attention drawn to Sir John Barrow's monument, a light-house placed upon a hill near the town. He left a cottage-home near Ulverstone, went to London, and by his industry and talents rose to the office of a Lord of the Admiralty. The good people of Ulverstone delighted to perpetuate the memory of their townsman in this way. Such memorials are not without their use. When Nelson was going into action, he said to his Captain—"Now it will

be the House of Lords, or Westminster Abbey." Can anyone look for a moment upon Lord Nelson's Monument, in Trafalgar-square, for the first time, and not feel a thrill of patriotic delight that such deeds as he performed are justly appreciated by the nation which he served? And, is not the career of a man like Sir John Bankes worthy of some record in the parish he so well loved, and to which his name does such honour? Should it not excite our youths to emulate his conduct? Leaving his native village (for Keswick was a poor little place then), the son of a thriving shopkeeper or tradesman, with no influence to lead him on to fortune, but his own indomitable perseverance, ability, and good conduct; he reached a position of honour and influence which he devoted to the interests of his King and his country. He seems to have cultivated the friendship of his townsmen, and of the inhabitants of his native parish. His munificent Charity alone should command our respect and gratitude. This Charity has now grown from a yearly rent charge of £30 to an annual income of £313 8s. 10d., all of which excepting the interest of £500 given by Henry Denton, Esq., and Sir Charles Ogle, as executors of Miss Ogle, came from the property which he charged; and which ultimately fell entirely into the hands of the Trustees of Bankes' Charity.

We may not, perhaps, claim for the Lord Chief-Justice Bankes the highest place in the legal profession. He died young, *for a Lawyer*. His opportunities, considering the state of the times, precluded him from giving his undivided attention to his profession. But, that he was a man of great parts, and well qualified for the high position which he filled; that he was a true patriot and a *good* man, I think no one can deny.

Let us hope that when the "Great House" is swept away, as it most likely will be 'ere long, that some visible memorial of the man may be erected. If we may not see the realization of his own wishes in the erection of a Workhouse or Manufactory, (and for which £10,000 of principal would be available), at least a handsome tablet in the Parish Church; or, some other suitable memorial should be raised, if we would be just to the memory of such a munificent benefactor, and save ourselves from the charge of ungratefully neglecting to perpetuate the memory of the illustrious dead.

TO THE MEMORY OF
THE LADY MARY BANKES ONELY
DAUGHTER OF RALPH HAWTREY OF RISLIPP
IN THE COUNTY OF MIDDX. ESQUIRE
THE WIFE AND WIDOW OF THE HONBLE SIR
JOHN BANKES KNIGHT LATE LORD CHIEF
JUSTICE OF HIS LATE MAJESTY'S COURT OF
COMMON PLEAS, AND OF THE PRIVY COUNCELL
TO HIS LATE MAJESTY KING CHARLES THE FIRST
OF BLESSED MEMORY
WHO HAVING HAD THE HONOR TO HAVE BORNE WITH
A CONSTANCY AND COURAGE ABOVE HER SEX A
NOBLE PROPOORCON OF THE LATE CALAMITIES, AND
THE HAPPINESS TO HAVE OUTLIVED THEM SO FAR
AS TO HAVE SEEN THE RESTITUTION OF THE
GOVERNMENT WITH GREAT PEACE OF MIND
LAID DOWN HER MOST DESIRED LIFE, THE 11TH DAY
OF APRIL, 1661.

SIR RALPH BANKES HER SON AND HEIR MATH
DEDICATED THIS.



